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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,813	10/09/2003	Tomohiro Ono	000026021	2974

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EXAMINER

FISCHMANN, BRYAN R

ART UNIT PAPER NUMBER

3618

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/683,813	Applicant(s) ONO ET AL.	
	Examiner Bryan Fischmann	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-09-03</u> . | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The abstract of the disclosure is objected to because of the following:

A) The last three lines of the abstract are objected to for reasons set forth in the claim objection portion of this Office Action.

2. The specification is objected to because of the following:

Note: The specification is considered replete with instances of awkward and sometimes unclear wording. Therefore, the Examiner cannot guarantee the following is a comprehensive listing of all awkward and unclear wording. Applicant is advised to review the specification for awkward and unclear wording.

1) To be grammatically correct, it is believed that the word "exist" recited in paragraph 0002 should instead be the plural "exists".

2) The recitation of "a stalled state of an electric car" in paragraph 0001 is considered to be somewhat awkward and misleading, as this recitation seems to imply the vehicle is "stalled", or "temporarily broke down".

To improve wording, it is recommended that the above recitation be modified to "a stalled state of a motor of an electric vehicle", or similar.

See also a similar objection in paragraphs 0004 and 0024.

3) The last three lines of paragraphs 0005 and 0024 are objected to for reasons set forth in the claim objection portion of this Office Action.

4) It is believed the word "ark" recited in the "middle portion" of paragraph 0011 should instead be "arc".

5) Paragraph 0018 recites "...electric motor 28 (motor)...". It is considered unclear why the word "motor" in parenthesis appears at the end of this recitation.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description: 4A and 1m0. Correction is required.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "thin axial gap" as recited in claims 12 and 18 and the "flat motor" as recited in claims 13 and 19 must be shown or the features canceled from the claims. No new matter should be entered.

Claim Objections

5. Claims 1-20 are objected to because of the following:

Note: The claims are considered to be replete with objectionable matter.

Therefore, a comprehensive listing of all objectionable matter cannot be guaranteed.

Applicant is advised to review all claims for unclear matter.

A) Claim 1 recites "...a normal throttle time" in lines 3 and 4. As best understood, from examination of Figure 2, this phrase should instead read "a normal full open throttle value", or similar. Also, perhaps the word "position" might be more appropriate than the word "value" in this "suggested" recitation.

See also the last line of claim 1. Note also that the last line of claim 1 recites "full throttle time" instead of "throttle time" in line 4.

See also a similar objection in claims 10 and 16 and the abstract.

B) The last three lines of claim 1 recites "after the detection, controlling the current value of the electric motor to be equal to or smaller than a current value determined to be smaller than the current value at the normal full throttle time".

This recitation is objected to due to the following:

1) As best understood, the recitation above is referring to step "S19" of Figure 3.

2) From examination of Figure 2, step "S19" is accomplished, as best understood, by decreasing motor current value to be less than the motor current value at "normal full open value", or position.

3) The above recitation seems inconsistent with this understanding.

4) To be consistent with the above, it is suggested the last three lines of claim 1 be reworded "after the detection, controlling the current value of the electric motor to be smaller than a current value at the normal full open throttle position", or similar.

See also a similar objection in claims 10 and 16.

C) Claim 5 recites "...wherein the stalled state is a state which the motor does not rotate although there is current flow".

This recited phrase is objected to, as best understood, the specification teaches that the "stalled state" is synonymous with "non-rotation" of the motor rotor. If this is not

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the case, such as the motor can be both "stalled" and also "rotating", then it is requested Applicant define the meaning of "stalled state" in the specification, without adding new matter, in order to provide proper antecedent basis for claim 5.

D) Claim 8 is objected to as the recitation of "the motor current" is not associated with a "time period", such as the abscissa of Figure 2, so that it becomes unclear "which motor current" is being referred to. Note that claim 8 is dependant upon claim 1 and that claim 1 defines more than one "motor current", such as "motor current at normal throttle time".

See also a similar objection in claim 9.

E) Claim 11 recites the words "where in". It is believed that these words should be combined to read "wherein".

Compare to claims 12-14.

F) To be clear, it is believed that the recitation of "wherein the motor is contained at rear arms" in claim 14 should be modified to "wherein the motor is contained at rear arms of a vehicle", as the preamble of the claim recites only "An electric motor, comprising...".

See also a similar objection in claim 20.

Allowable Subject Matter

6. Claims 1, 10 and 16 would be allowable if rewritten or amended to overcome the claim objection set forth in this Office action.

7. Claim 2-9, 11-15 and 17-20 would be allowable if rewritten to overcome the claim objection set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. This application is in condition for allowance except for the following formal matters:

The abstract, specification, drawing and claim objections set forth in this Office Action.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Anderson, Oster, Franz, Jr., Anderson, et al, Bourke, et al, Slagle, Itabashi, et al, Inui, et al – teaches control of a vehicle traction motor

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10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bryan Fischmann whose telephone number is (571) 272-6694. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis, can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 7-4-5
BRYAN FISCHMANN
PRIMARY EXAMINER